	1	COX, WOOTTON, GRIFFIN,				
	2	HANSEN & POULOS, LLP Terence S. Cox (SBN 076142)				
	3	Marc T. Cefalu (SBN 203324) 190 The Embarcadero				
		San Francisco, CA 94105 Telephone No.: 415-438-4600				
	4	Facsimile No.: 415-438-4601				
	5	Attorneys for Petitioners				
	6	THE SAN FRANCISCO BAR PILOTS BENEVOLENT AND PROTECTIVE				
	7	ASSOCIATION and the SAN FRANCISCO BAR PILOTS				
÷	8	UNITED STATES DISTRICT COURT				
	9					
	10	NORTHERN DISTRICT OF CALIFORNIA				
	11	In the Matter of the Complaint of THE ) Case No.: C 05-2975 MJJ				
	12	SAN FRANCISCO BAR PILOTS ) BENEVOLENT AND PROTECTIVE ) STATUS STATEMENT AND				
	13	ASSOCIATION and the SAN STIPULATED REQUEST FOR FRANCISCO BAR PILOTS, as Owners DISMISSAL; [PROPOSED]				
	14	and/or Charterers, of the $P/V$ $GOLDEN$ ORDER $GATE$ , Limitation Petitioners, for				
		Exoneration from or Limitation of FRCP 41(a)(1) and (2)				
	15	Liability. )				
	16	Decrete 41: Count's Order dated October 23, 2007, the netitioners THE SAN				
	17	Pursuant to this Court's Order dated October 23, 2007, the petitioners THE SAN				
	FRANCISCO BAR PILOTS BENEVOLENT AND PROTECTIVE ASSOCIATION and					
	the SAN FRANCISCO BAR PILOTS ["the Petitioners"] and claimant IGOR KWASNIZ					
	20	submit the following Status Statement and request for dismissal of the Petitioners'				
	21 complaint.					
•	22	STATUS				
	23	As the Court may recall this action was instituted by the Petitioners on July 21, 2005				
	24	seeking exoneration from or limitation of liability pursuant to 46 USC § 763 et. seq. [the				
COX, WOOTTON,	25	"Limitation Action"] as the result of a collision between the Petitioners' vessel and a vessel				
GRIFFIN, HANSEN & POULOS, LLP 190 THE EMBARCADERO	26	owned and operated by claimants Alexander Newcomb and Igor Kwasniza ["Claimants"].				
SAN FRANCISCO, CA 94105 TEL: 415-438-4600 FAX: 415-438-4601	27	The Claimants submitted their claims in this action on August 17, 2005. On January 26,				
	28	2006, the Court ordered, pursuant to the parties stipulation, that the Limitation Action be				
CNA.RonnieB		-1- Case No. C 05-2975 MJJ				
		-1- Case No. C 05-2975 MJJ				

STATUS STATEMENT AND STIPULATED REQUEST FOR DISMISSAL; [PROPOSED] ORDER

stayed so that the Claimants could pursue their claims against the Petitioners in state court. 1 On March 2, 2007, claimant Alexander Newcomb's claim in the Limitation Action 2 was dismissed pursuant to stipulation following the settlement of his claim. Claimant Igor 3 Kwasniza's claim has been actively litigated since that time and on August 23, 2007, the 4 Superior Court for the County of San Francisco granted the Petitioners' motion for summary 5 judgment. The order on that motion resulted in judgment being entered in favor of the 6 Petitioners on all remaining claims in the state court action. The deadline for Mr. 7 Kwasniza's appealing that judgment has just recently expired. 8 The Petitioners would have only had the need to resume litigating the Limitation 9 Action [to determine whether they were entitled to exoneration or limitation of liability] in 10 the event that the claimants prevailed in the state court action. Because the state court 11 action has now been concluded, there is no need for the parties to resort to this Court for any 12 further adjudication of the claims. It would now therefore be appropriate for the Court to 13 dismiss this action in its entirety. 14 15 /// 16 /// 17 /// 18 /// /// 19 /// 20 /// 21 /// 22 ///23 /// 24 /// 25 /// 26 /// 27

. 28 CNA.RonnieB ///

COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP

> THE EMBARCADERO SAN FRANCISCO, CA 94105 TEL: 415-438-4600 FAX: 435-438-4601

	1	REQUEST FOR DISMISSAL				
	2	Based upon the above, the Petitioners request that this action be dismissed in its				
	3	entirety pursuant to FRCP 41(a)(1) and (2) with each of the parties bearing their own costs				
	4	and fees.				
	5					
	6	Dated: October 29, 2007	COX, WOOTTON, GRIFFIN,			
	7		HANSEN & POULOS, LLP Attorneys for Petitioners THE SAN FRANCISCO BAR PILOTS			
	8		BENEVOLENT AND PROCTECTIVE ASSOCIATION and the SAN FRANCISCO			
	9	·	BAR PILOTS			
	10		By Terence S. Cox			
	11		reference B. Cox			
	12					
	13	Dated: October, 2007	LAW OFFICES OF LYLE C. CAVIN, JR. Attorneys for Claimant IGOR KWASNIZA			
	14		Attorneys for Claimant 100K is without 1221			
	15		By:Alfred G. Johnson			
	16		7 MARON OT BOILINGT			
17			ORDER			
	18	IT IS HEREBY ORDERED TH	HAT this action is dismissed in its entirety with			
	19	each party to bear their own costs and fee	es.  BJES DISTRICT			
	20	Dated: October 30, 2007	The Honorable Martin J. Jenkins			
	21		U.S. District C wrightige			
	22		D Roxer			
COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP 190 THE EMBARCADERO SAN FRANCISCO, CA 94105	23					
	24	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Judge Martin J. Jenkins			
	25					
	26		DISTRICT OF CE			
TEL: 415-438-4600 FAX: 415-438-4601	27		TO I KIO			
	28					

-3-

CNA.RonnieB

1	REQUEST FOR DISMISSAL				
2	Based upon the above, the Petitioners request that this action be dismissed in its				
3	entirety pursuant to FRCP 41(a)(1) and (2) with each of the parties bearing their own costs				
4	and fees.				
5					
б	Dated: October 29, 2007 COX, WOOTTON, CRIFFINI				
7	COX, WOOTTON, GRIFFIN, HANSEN & POULOS, LLP Attorneys for Petitioners				
8	THE SAN FRANCISCO BAR PILOTS BENEVOLENT AND PROCTECTIVE				
9	ASSOCIATION and the SAN FRANCISCO BAR PILOTS				
10	By MIII sa				
11	Terence S. Cox				
12					
13	Dated: October Q C, 2007 LAW OFFICES OF LVIE C CAVEN D				
14	LAW OFFICES OF LYLE C. CAVIN, JR. Attorneys for Claimant IGOR KWASNIZA				
15	By: Pell 2				
16	Alfred G. Johnson				
17	<u>ORDER</u>				
18	IT IS HEREBY ORDERED THAT this action is dismissed in its entirety with				
19	each party to bear their own costs and fees.				
20	Dated: October, 2007 By:				
21	The Honorable Martin J. Jenkins U.S. District Court Judge				
22	to the court stage				
23					
24					
25					
26					
27					
28					
)]					

A.SampleR